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Attorneys for Defendants  
Dirk Kempthorne and U.S. Fish & Wildlife Service

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CENTER FOR BIOLOGICAL DIVERSITY,	)	
et al.,	)	NO. C-06-4186-WHA
	)	
Plaintiffs,	)	<b>STIPULATED SETTLEMENT</b>
	)	<b>AGREEMENT AND [PROPOSED]</b>
v.	)	<b>ORDER ON ATTORNEYS' FEES</b>
	)	<b>AND COSTS</b>
KEMPTHORNE, et al.,	)	
	)	
Defendants,	)	

Plaintiffs, Center for Biological Diversity, Klamath Siskiyou Wildlands Center, Cascadia Wildlands Project, Oregon Wild (formerly Oregon Natural Resources Council), and Environmental Protection Information Center (collectively, "Plaintiffs"), and Defendants, Dirk Kempthorne, Secretary of the U.S. Department of Interior, and the U.S. Fish and Wildlife Service ("FWS" or the "Service") (collectively, "Defendants"), by and through their undersigned counsel, state as follows:

WHEREAS, on January 19, 2007, this Court entered an order and judgment granting Plaintiffs motion for summary judgment in this case (Docket Nos. 37 and 38);

WHEREAS, Plaintiffs and Defendants (collectively, the “Parties”) agreed that Plaintiffs are entitled to reasonable costs of litigation, including attorney’s fees, pursuant to 16 U.S.C. § 1540(g)(4) (see Docket No. 57); and

WHEREAS, the Court set forth a procedure for the Parties to determine the amount of such reasonable costs of litigation, including attorney’s fees (see Docket No. 58);

NOW, THEREFORE, IT IS STIPULATED BY AND BETWEEN THE PARTIES AS FOLLOWS:

1. The Parties agree to settle all of Plaintiffs’ claims for costs and attorneys’ fees in the above-captioned litigation for a total of \$110,000.00. Such funds will be deposited electronically into an account of Western Environmental Law Center as directed by Amy Atwood, one of Plaintiffs’ undersigned counsel.

2. Defendants agree to submit all necessary paperwork for the processing of this settlement amount to the Department of the Treasury’s Judgment Fund Office, pursuant to 16 U.S.C. § 1540(g)(4), within ten (10) business days of receipt of the court order approving this stipulation.

3. Plaintiffs agree to accept payment of \$110,000.00 in full satisfaction of any and all claims for attorneys’ fees and costs of litigation to which Plaintiffs are entitled in the above-captioned litigation, through and including the date of this agreement.

4. Plaintiffs agree that receipt of this payment from Defendants shall operate as a release of Plaintiffs’ claims for attorneys’ fees and costs in this matter, through and including the date of this agreement.

5. By this agreement, Defendants do not waive any right to contest fees claimed by Plaintiffs or Plaintiffs’ counsel, including the hourly rate, in any future litigation. Further, this

STIPULATED SETTLEMENT AGREEMENT  
AND ~~PROPOSED~~ ORDER - 2  
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1 stipulation as to attorneys' fees and costs has no precedential value and shall not be used as evidence  
2 in any other attorneys' fees litigation.

3 6. The Parties agree that this Settlement Agreement ("Agreement") was negotiated in  
4 good faith and it constitutes a settlement of claims that were vigorously contested, denied, and  
5 disputed by the Parties. By entering into this Agreement the Parties do not waive any claim or  
6 defense.

7 7. The undersigned representatives of each party certify that they are fully authorized  
8 by the party or parties they represent to agree to the Court's entry of the terms and conditions of this  
9 Agreement and do hereby agree to the terms herein.

10 8. The terms of this Agreement shall become effective upon entry of an order by the  
11 Court ratifying the Agreement.

12 Dated: May 22, 2007

Respectfully submitted,

13 s/ Amy Atwood (by J. Kim, w/ permission)  
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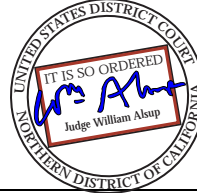
22 Attorneys for Plaintiffs

23  
24 STIPULATED SETTLEMENT AGREEMENT  
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**PROPOSED ORDER**

The terms and conditions of this Stipulated Settlement Agreement are hereby adopted as an enforceable ORDER of this Court.

Dated: this 23 day of May 2007.



\_\_\_\_\_  
United States District Judge